

VZCZCXRO0824  
OO RUEHDT RUEHHM RUEHPB  
DE RUEHHI #1182/01 3090707  
ZNR UUUUU ZZH  
O R 050706Z NOV 09  
FM AMEMBASSY HANOI  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0389  
INFO ASEAN REGIONAL FORUM COLLECTIVE  
RUEHHM/AMCONSUL HO CHI MINH CITY 0163

UNCLAS SECTION 01 OF 04 HANOI 001182

SENSITIVE  
SIPDIS  
STATE FOR DRL/AWH AND EAP/MLS

E.O. 12958: N/A  
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [VM](#)  
SUBJECT: Vietnam Human Rights Dialogue Scenesetter

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Summary and Comment

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11. (SBU) U.S. ties and engagement with Vietnam have advanced significantly since the last Human Rights Dialogue meeting in May 12008. Cooperation on trade, health and education, coupled with high-level visits and regular dialogues on defense, security and policy planning, have moved relations to their highest point since normalization. However, fundamental differences of opinion over human rights remain. These differences will not be resolved in the near term and, if not managed carefully, could complicate cooperation in other areas. Despite limited progress on religious freedom and prisoner releases, the Vietnamese government has intensified its crackdown on political dissent and implemented new restrictions on civil society, the press, and bloggers. Since the last dialogue meeting, nearly three dozen political activists have been arrested, leading editors and journalists fired, and several well-known bloggers detained or forced to cease their activities.

12. (SBU) Vietnam would like to separate human rights from other areas of the relationship and restrict discussion of the issue to the Human Rights Dialogue. The Secretary's meeting with her Vietnamese counterpart in Washington in early October highlighted the importance that we attach to human rights as a critical part of our overall relationship. The Human Rights Dialogue is a useful opportunity to reiterate this message and make clear that lack of progress on human rights could negatively impact progress in other areas. In addition to expressing our deep concerns about the deteriorating human rights situation in Vietnam, we should use the Dialogue to explore concrete areas of cooperation in the areas of governance and rule of law. However, the Dialogue is unfortunately not likely to produce an immediate improvement in the overall human rights situation in Vietnam. End Summary and Comment.

DG Trung and Vietnam's Approach to Human Rights Engagement

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13. (SBU) The head of the GVN delegation, MFA International Organizations Director General Le Hoai Trung ("Choong"), is one of Vietnam's finest diplomats. Thoughtful, well-spoken, and open to creative solutions, Trung is not afraid to toe the party line when challenged. He passionately believes Vietnam has made great strides in improving the lives of its people and can be expected to ardently defend Vietnam's human rights record along the lines laid out by the Vietnamese delegation in Geneva during the UPR. He will

also defend the GVN's recent crackdown on dissent, especially with members of the Ministry of Public Security in attendance, stating that Vietnam is merely enforcing its existing laws. At the same time, Trung is pragmatic and open to exploring ways to increase bilateral cooperation on specific projects - a trait he has displayed during Vietnam's human rights dialogues with other countries and one we recommend exploiting in our meeting. As one of Vietnam's first Fulbright students (1993), Trung studied at the Fletcher School of Law and Diplomacy and speaks fluent English. A protege of Deputy Foreign Minister Pham Binh Minh, Trung is a leading contender to succeed Minh as Vice Foreign Minister if Minh is promoted to Foreign Minister in January 2011.

14. (SBU) DG Trung will represent Vietnam's aspirations to be viewed as a responsible member of the international community, pointing to Vietnam's tenure as a non-permanent member of the UNSC and Vietnam's upcoming chairmanship of ASEAN. Vietnam has become more comfortable with its human rights dialogues, both less woodenly doctrinaire and more savvy in deflecting criticism. Perhaps the clearest example of this was the extensive efforts that Vietnam took to control the Universal Periodic Review (UPR) process, which showed the government's sensitivity to criticism of its human rights record and the lengths it will go to influence international perception.

Amnesties, Conventions/Rapporteurs, and the Rule of Law

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15. (SBU) As evidence of its growing sophistication on human rights issues, Vietnam sees the utility of agreeing to dialogues, in selective amnesties of political prisoners, in ratifying (but selectively implementing) international human rights conventions such as the UN Declaration on Human Rights and the International Convention on Civil and Political Rights, and in inviting UN Special Rapporteurs on less-controversial issues such as the Right to Food, the Right to Education and the Right to Health. (The GVN is not likely to invite the Special Rapporteur on the Right to Freedom of Opinion.) We have seen all of these tactics used in the year and a half since our last Dialogue. For example, Vietnam ratified the Convention Against Corruption in June, and has indicated it intends to ratify the Convention on the Rights of Persons with Disabilities soon, as well as sign the Convention Against Torture by the end of this year. These are calculated yet positive steps that provide grounds for fostering bilateral cooperation.

16. (SBU) Following the last dialogue meeting, the GVN released Ms. Bui Kim Thanh from her involuntary commitment to a mental institution and permitted her to emigrate to the United States as part of the P-1 visa program. This year the government granted amnesty to well-known journalist Nguyen Viet Chien, People's Democratic Party (PDP) activist Tran Thi Le Hang, land-rights protester Dang Tien Thong, four Khmer Krom Buddhist monks convicted for involvement in land protests (Kim Moeun, Danh Tol, Thach Thuong and Ly Hoang), and Nguyen Huu Hai and Nguyen Hong Son, adherents of an unrecognized branch of Cao Daiism who were deported from Cambodia and jailed in Vietnam. More than 100 Montagnards from the Central Highlands who were convicted for violating national security laws in 2001 and 2004 were also released this year. The government continues to maintain that there are no prisoners of conscience, and that no one is arrested for merely expressing dissent. The dialogue offers a useful opportunity to press for the release of our core prisoners of concern.

## Labor

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17. (SBU) Vietnam and the Department of Labor have cooperated on six technical projects on industrial relations in the past. USAID recently initiated a project to improve labor law, and has begun a new project to improve labor relations, collective bargaining and compliance with international labor standards in the area of freedom of association. Vietnam's strong desire for GSP gives us leverage to press the GVN to take meaningful steps on labor rights, particularly on freedom of association. Post is pleased that USTR is participating in the dialogue. USTR's active involvement reinforces the message that trade and human rights are interconnected, and that Vietnam cannot expect to move forward in one area without progress in the other.

## Religious Freedom

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18. (SBU) There continues to be uneven progress in the area of religious freedom. The government has improved registration and recognition of religious groups at the national level and, to a lesser extent, in the provinces. The GVN has recognized 31 religious organizations affiliated with 11 recognized religions. Since the Country of Particular Concern (CPC) designation was lifted in 2006, the GVN has recognized 16 new religious organizations, including eight new Protestant denominations, and more than 1,000 Protestant meeting points in the Central Highlands have reopened. The most glaring exception to the progress on registration remains the Northwest Highlands, where hundreds of Evangelical Church of Vietnam-North (ECVN) congregations await responses to their registration applications. Additional positive steps include efforts by the government to facilitate the education of thousands of new monks, priests, nuns, and pastors and

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permitting Buddhists, Catholics, and Protestants to hold several large-scale religious services throughout the country, with more than 10,000 religious followers participating in each event. Caritas was registered last fall, and religions continue to increase their charitable activities. The U.S. Commission on International Religious Freedom, however, equates political dissent with religious practice, and recommends Vietnam be returned to the list of Countries of Particular Concern.

19. (SBU) Vietnam's improving record on religious freedom has been tarred by the forced eviction in September of nearly 400 monks and nuns affiliated with Thich Nhat Hanh's Plum Village Order from the Bat Nha Pagoda. This eviction, and the violence associated with it, were preceded by months of intimidation, including physical attacks. You should be frank with DG Trung that these incidents, especially the GVN's unwillingness to protect monks and nuns from violence and forced eviction, can impact our overall relations and gives ammunition to those who want Vietnam to be re-designated as a Country of Particular Concern. Vietnam has been slow to acknowledge the damage caused by the Lang Mai/Bat Nha dispute, and DG Trung is likely to repeat the now-standard GVN line that the incidents reflected a convoluted intra-Buddhist disagreement. As religious freedom progresses in Vietnam, religious groups are increasingly demanding more from the government than the right to worship freely -- including the desire to be more involved in charitable activities and seeking resolution to longstanding property disputes. As we saw with the large-scale Catholic protests last fall in Hanoi and this summer in Quang Binh province, there are complicated historical and land-use issues at play, but until the government develops a transparent, fair process for

adjudicating claims, problems will continue to fester and occasionally flair up.

## Crackdown on Political Dissent

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¶10. (SBU) Vietnam's limited progress on religious freedom has been overshadowed by an increasing crackdown suppressing political opposition and silencing dissent in advance of anticipated leadership changes at the Party Congress in January 2011. More than 35 dissidents, land rights activists, and political opponents have been arrested since our last dialogue; of these, at least 22 are affiliated with the "Bloc 8406" political movement or the Democratic Party of Vietnam. Most of these have been convicted for violating Article 88 -- Vietnam's catch-all national security law. The GVN has invoked Article 88 with increasing frequency since the last dialogue, and the threshold of what constitutes a crime has been lowered. At the same time, jail terms have declined compared to previous periods. Political prisoners awaiting trial include several on the Department's core list of prisoners of concern: leading attorney Le Cong Dinh, co-founder of the Viet Youth for Democracy Nguyen Tien Trung, leader of the Democratic Party of Vietnam Colonel Tran Anh Kim and prolific author Tran Khai Thanh Thuy.

## Freedom of Expression and the Press

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¶11. (SBU) Several editors of Vietnam's leading newspapers have been dismissed from their jobs this year as recrimination for investigative reporting on a large-scale corruption scandal (known locally as "PMU-18"). These actions followed the October 2008 conviction of the two reporters who broke the story. The official mouthpieces of the Communist Party have not been immune from censorship and retribution. The editor of the newspaper run by the Vietnam Fatherland Front, the Communist Party's umbrella organization of pro-government "mass organizations," was removed a year ago, and the editor in chief of the Communist Party of Vietnam's own website was recently fined \$1,700 and formally reprimanded for reprinting a Chinese newspaper article on China's military exercises in the South China Sea.

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¶12. (SBU) The GVN is considering a new "Access to Information" law, an effort to implement key provisions required under the Convention Against Corruption. Unfortunately, the draft law falls short, specifically in the area of implementation and enforcement. Not surprisingly, it allows government agencies many "outs" in denying requests for information. Nor does it spell out implementing mechanisms or delineate agencies responsible for releasing information. Similarly, last fall the National Assembly considered and then shelved a new press law after concerns were raised by many embassies regarding overly broad political demands on journalists and editors, forced restructuring of media organizations, and restrictions on press conferences. The draft law also included troubling restrictions on electronic media. Additionally, in October 2009 the Ministry of Information and Communication circulated new draft press regulations that would fine journalists who refuse to name sources or who write "subjective" articles that "cause serious consequences."

¶13. (SBU) While Vietnam's blogosphere remains extremely vibrant and diverse, the government has taken steps to restrict online criticism. Steps include new restrictions regulating blog content,

and banning comments that could be perceived as political or critical of the government. Thus far, there has been limited enforcement of the new regulations. Since our last dialogue, the government also convicted well known blogger "Dieu Cay" for tax evasion and in August detained two well-known bloggers for ten days for postings that were critical of GVN policies towards China and their plans to print T-shirts critical of China. The two were released only after they promised to stop blogging.

## Civil Society

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¶14. (SBU) The Party also has taken additional steps to restrict the ability of civil society to voice opposition. Many foreign NGOs that have operated in Vietnam for years are reporting increasing scrutiny. The American Bar Association's application to open an office in Vietnam (with a DRL grant) has languished for more than two years, despite repeated interventions by the Ambassador and other Embassy officers. The ABA and VLA have submitted documentation in support of the ABA's registration application, and a strong push during the dialogue could move the process forward. "Decree 97", which prohibits independent scientific/technical institutes from publicizing research critical of the government or Party policies, achieved its immediate goals when its target -- the reform-minded think tank the Institute for Development Studies (IDS) -- closed its doors the day before the decree took effect. The decree's long-term impact on stifling other organizations and the larger civil society is unclear, but our business, academic and civil society contacts fear the worst. The Ambassador, in concert with other like-minded Ambassadors, sent the Prime Minister two letters expressing our concerns about the decree and its impact on civil society, scientific research, education and foreign investment. The GVN has been at pains to explain Decree 97, and has tasked the Minister of Science and Technology to meet with concerned COMs on November 6 to explain the new regulations.  
Palmer